

Remarks

The Office Action mailed July 19, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

In accordance with 37 C.F.R. 1.136(a), a two month extension of time is submitted herewith to extend the due date of the response to the Office Action dated July 19, 2005, for the above-identified patent application from October 19, 2005, through and including December 19, 2005. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of \$450.00 to cover this extension of time request also is submitted herewith.

Claims 1-9 and 13-43 are now pending in this application. Claims 1-45 stand rejected. Claims 13-18 are objected to. Claims 10-12 and 44-45 have been cancelled.

Claims 13-18 have been objected to for certain informalities. Independent Claim 13 has been amended. Accordingly, Applicants request that the objection to Claims 13-18 be withdrawn.

The rejection of Claims 1-3, 5-9, 19-22 and 40-43 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

The Office Action asserts at page 6 that "Because the independently claimed invention is directed to an abstract idea which does not recite a limitation in the technological arts, those claims are not permitted under 35 U.S.C. 101 as being related to non-statutory subject matter." Applicants respectfully traverse this assertion. However, Applicants have amended independent Claims 1, 19 and 40 to address the rejection set forth in the Office Action.

Applicants submit that the claims of the present patent application are directed to practical applications in the technological arts. "Any sequence of operational steps can constitute a process within the meaning of the Patent Act so long as it is part of the technological arts." *In re Musgrave*, 431 F.2d 882 (C.C.P.A. 1970). For example, independent Claim 1 is a method for performing usage-based billing for a business entity using a local computer system coupled to a database and a remote computer system. Applicants submit that a method for

performing usage-based billing for a business entity using a local computer system coupled to a database and a remote computer system is a useful process that is considered to be within “the technological arts”.

One specific example of such a method implementation is a computer with a processor programmed to at least one of receive meter data relating to equipment usage by one of the customers, generate an export file by processing the meter data wherein the export file includes a plurality of data records, transmit the export file for storing within the database, apply validation rules to the export file to determine the data records included within the export file that satisfy the validation rules, and generate an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error and an inputting error. While the claims are not limited to the specific examples related to a computer with a programmed processor, the claims need not be so restricted to satisfy the requirement of Section 101.

Applicants further traverse the assertion included in the Office Action that Claims 1-3, 5-9, 19-22 and 40-43 are directed to non-statutory subject matter under Section 101 in light of the “Examination Guidelines for Computer-Related Inventions”. The Examination Guidelines for Computer-Related Inventions provides in relevant part as follows:

In order to determine whether the claim is limited to a practical application of an abstract idea, Office personnel must analyze the claim as a whole, in light of the specification, to understand what subject matter is being manipulated and how it is being manipulated. During this procedure, Office personnel must evaluate any statements of intended use or field of use, any data gathering step and any post-manipulation activity....Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under § 101. Further, when such a rejection is made, Office personnel must expressly state how the language of the claims has been interpreted to support the rejection.

Applicants respectfully submit that Claim 1 is limited to a practical application in the technological arts. Furthermore, Applicants respectfully submit that the Office Action does not expressly state how the language of Claim 1 supports the Section 101 rejection.

Claim 1 has been amended. Claim 1 recites a “method for performing usage-based billing for a business entity using a local computer system coupled to a database and a remote computer system”. Thus, Applicants submit that Claim 1 is directed to a useful process that is considered to be within “the technological arts”. Furthermore, the method includes the step of “inputting into the remote computer system meter data relating to equipment usage by one of the customers...generating an export file by processing the meter data at the remote computer system, the export file including a plurality of data records...transmitting the export file from the remote computer system to the local computer system for storing within the database...applying validation rules to the export file at the local computer system to determine the data records included within the export file that satisfy the validation rules...and generating an error report identifying the data records included within the export file that violate at least one of the validation rules....” Thus, Claim 1 uses a remote computer, a local computer and a database to perform at least one step of the process. Claim 1 is therefore directed to a practical application in the technological arts.

Dependent Claims 2-3 and 5-9 depend from independent Claim 1, and these dependent Claims are submitted to satisfy the requirements of Section 101 for the same reasons set forth above with respect to independent Claim 1.

In addition, Claim 19 recites a “database for performing usage-based billing for a business entity, the business entity having customers subscribing to a usage-based billing program” wherein the database includes data corresponding to the steps recited in Claim 1. Claim 19 is therefore directed to a practical application in the technological arts.

Dependent Claims 20-22 depend from independent Claim 19, and these dependent Claims are submitted to satisfy the requirements of Section 101 for the same reasons set forth above with respect to independent Claim 19.

In addition, Claim 40 recites a “method for performing usage-based billing for a business entity using a local computer system coupled to a database and a remote computer system, the business entity having customers subscribing to a usage-based billing program,” wherein the

method includes steps similar to those steps recited in Claim 1. Claim 40 is therefore directed to a practical application in the technological arts.

Dependent Claims 41-43 depend from independent Claim 40, and these dependent Claims are submitted to satisfy the requirements of Section 101 for the same reasons set forth above with respect to independent Claim 40.

For at least the reasons set forth above, Applicants respectfully request that the Section 101 rejection of Claims 1-3, 5-9, 19-22 and 40-43 be withdrawn.

The rejection of Claims 1-5, 8-36 and 38-45 under 35 U.S.C. § 102(e) as being anticipated by Coons et al. (U.S. Patent No. 6,832,250) ("Coons") is respectfully traversed.

Applicants respectfully submit that Coons does not describe or suggest the claimed invention. As discussed below, at least one of the differences between Coons and the present invention is that Coons does not describe or suggest a method for performing usage-based billing for a business entity using a local computer system coupled to a database and a remote computer system that includes generating an export file by processing meter data at the remote computer system wherein the export file includes a plurality of data records, and applying validation rules to the export file at the local computer system to determine the data records included within the export file that satisfy the validation rules.

Moreover, Applicants submit that Coons does not describe or suggest a method that includes generating an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system.

Coons describes a method and system for remotely storing usage data associated with monitored assets of an enterprise. The system includes a local data store for storing usage data associated with monitored assets of an enterprise, a usage data aggregation system with access to the local data store for aggregating data from the monitored assets and for storing the aggregated data in the local data store, and a local server also with access to the local data store for

supporting the transmission of the stored usage data from the local data store to a remote server. The system also utilizes a remote server having access to a remote data store. The remote server is utilized to receive the usage data transmitted by the local server. After receiving the data, the remote server stores it in the remote data store. The usage data residing in either the local data store or the remote data store is available for subsequent access, processing and analysis via the local server and the remote server respectively.

Notably, Coons does not describe or suggest applying validation rules to an export file at a local computer system to determine the data records included within the export file that satisfy the validation rules, or generating an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system. Rather, Coons merely describes a system that transmits and stores usage data associated with monitored assets of an enterprise between a local server, a local data store, a remote server and a remote data store.

Claim 1 recites a method for performing usage-based billing for a business entity using a local computer system coupled to a database and a remote computer system, the business entity having customers subscribing to a usage-based billing program, the method includes “inputting into the remote computer system meter data relating to equipment usage by one of the customers, the meter data including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name...generating an export file by processing the meter data at the remote computer system, the export file including a plurality of data records...transmitting the export file from the remote computer system to the local computer system for storing within the database...applying validation rules to the export file at the local computer system to determine the data records included within the export file that satisfy the validation rules...and generating an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system.”

Coons does not describe or suggest a method as recited in Claim 1. More specifically, Coons does not describe or suggest a method for performing usage-based billing for a business entity using a local computer system coupled to a database and a remote computer system that includes generating an export file by processing meter data at the remote computer system wherein the export file includes a plurality of data records, and applying validation rules to the export file at the local computer system to determine the data records included within the export file that satisfy the validation rules.

Moreover, Coons does not describe or suggest generating an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system.

Rather, Coons describes a system for remotely storing usage data associated with monitored assets of an enterprise that includes a local data store for storing usage data associated with monitored assets of an enterprise, a usage data aggregation system with access to the local data store for aggregating data from the monitored assets and for storing the aggregated data in the local data store, and a local server with access to the local data store for supporting the transmission of the stored usage data from the local data store to a remote server for storing the data in a remote data store.

Although Coons describes a system for remotely storing usage data associated with monitored assets of an enterprise, Coons does not describe or teach applying validation rules to an export file at a local computer system to determine the data records included within the export file that satisfy the validation rules, and/or generating an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Coons.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of Claim 1 be withdrawn.

Claims 2-5 and 8-9 depend from independent Claim 1 which is submitted to be in condition for allowance. When the recitations of Claims 2-5 and 8-9 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-5 and 8-9 are also patentable over Coons.

Claims 10-12 have been cancelled.

Claim 13 recites a computer for performing usage-based billing for a business entity having customers subscribing to a usage-based billing program, the computer comprising a processor in communication with a database, the computer programmed to “receive meter data relating to equipment usage by one of the customers, the meter data including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name...generate an export file by processing the meter data, the export file including a plurality of data records...store the export file within the database...apply validation rules to the export file to determine the data records included within the export file that satisfy the validation rules...and generate an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system.”

Claim 13, as herein amended, recites a computer for performing usage-based billing for a business entity that is programmed to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 13 is patentable over Coons for reasons that correspond to those given with respect to Claim 1.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of Claim 13 be withdrawn.

Claims 14-18 depend from independent Claim 13 which is submitted to be in condition for allowance. When the recitations of Claims 14-18 are considered in combination with the recitations of Claim 13, Applicants submit that dependent Claims 14-18 are also patentable over Coons.

Claim 19 recites a database for performing usage-based billing for a business entity, the business entity having customers subscribing to a usage-based billing program, the database includes "data corresponding to meter data relating to equipment usage by one of the customers, the meter data including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name...data corresponding to an export file generated by processing the meter data, the export file including a plurality of data records...data corresponding to validation rules applied to the export file to determine the data records included within the export file that satisfy the validation rules...and data corresponding to a generated error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system."

Claim 19, as herein amended, recites a database for performing usage-based billing for a business entity that includes data corresponding to the steps recited in Claim 1. Thus, it is submitted that Claim 19 is patentable over Coons for reasons that correspond to those given with respect to Claim 1.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of Claim 19 be withdrawn.

Claims 20-22 depend from independent Claim 19 which is submitted to be in condition for allowance. When the recitations of Claims 20-22 are considered in combination with the recitations of Claim 19, Applicants submit that dependent Claims 20-22 are also patentable over Coons.

Claim 23 recites a system for performing usage-based billing for a business entity having customers subscribing to a usage-based billing program, the system includes “a client system comprising a browser, the client system configured to...receive meter data relating to equipment usage by one of the customers including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name, and generate an export file by processing the meter data, the export file including a plurality of data records...a database for storing information...and a server configured to be coupled to the client system and the database, the server system further configured to...receive the export file from the client system...apply validation rules to the export file to determine the data records included within the export file that satisfy the validation rules...and generate an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the server system and an input error at the client system.”

Claim 23, as herein amended, recites a system for performing usage-based billing for a business entity that includes, among other things, a server system configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 23 is patentable over Coons for reasons that correspond to those given with respect to Claim 1.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of Claim 23 be withdrawn.

Claims 24-28 depend from independent Claim 23 which is submitted to be in condition for allowance. When the recitations of Claims 24-28 are considered in combination with the recitations of Claim 23, Applicants submit that dependent Claims 24-28 are also patentable over Coons.

Claim 29 recites an apparatus for performing usage-based billing for a business entity having customers subscribing to a usage-based billing program, the apparatus includes “means for receiving meter data relating to equipment usage by one of the customers, the meter data including at least one of an amount of usage of a piece of equipment, equipment serial number,

model number, meter reading date, and customer name...means for generating an export file by processing the meter data, the export file including a plurality of data records...means for applying validation rules to the export file to determine the data records included within the export file that satisfy the validation rules...and means for generating an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system.”

Claim 29, as herein amended, recites an apparatus for performing usage-based billing for a business entity that includes means for performing steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 29 is patentable over Coons for reasons that correspond to those given with respect to Claim 1.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of Claim 29 be withdrawn.

Claims 30-35 depend from independent Claim 29 which is submitted to be in condition for allowance. When the recitations of Claims 30-35 are considered in combination with the recitations of Claim 29, Applicants submit that dependent Claims 30-35 are also patentable over Coons.

Claim 36 recites a computer program embodied on a computer-readable medium executable by a computer for performing usage-based billing for a business entity having customers subscribing to a usage-based billing program, the program including at least one code segment that “receives meter data relating to equipment usage by one of the customers, the meter data including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name...generates an export file by processing the meter data, the export file including a plurality of data records...stores the export file within a database...applies validation rules to the export file to determine the data records included within the export file that satisfy the validation rules...and generates an error report identifying the data records included within the export file that violate at least one of the

validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system.”

Claim 36, as herein amended, recites a computer program that includes at least one code segment that performs steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 36 is patentable over Coons for reasons that correspond to those given with respect to Claim 1.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of Claim 36 be withdrawn.

Claims 38-39 depend from independent Claim 36 which is submitted to be in condition for allowance. When the recitations of Claims 38-39 are considered in combination with the recitations of Claim 36, Applicants submit that dependent Claims 38-39 are also patentable over Coons.

Claim 40 recites a method for performing usage-based billing for a business entity using a local computer system coupled to a database and a remote computer system, the business entity having customers subscribing to a usage-based billing program, the method includes “receiving at the remote computer system meter data relating to equipment usage by one of the customers, the meter data including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name...generating an export file by processing the meter data at the remote computer system, the export file including a plurality of data records...transmitting the export file from the remote computer system to the local computer system for storing within the database...applying validation rules to the export file at the local computer system to determine the data records included within the export file that satisfy the validation rules...identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an receiving error at the remote computer system...associating an error identifier to each

data record that violates a validation rule...and storing in the database the error identifier and associated data entry.”

Claim 40, as herein amended, recites a method for performing usage-based billing for a business entity that includes steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 40 is patentable over Coons for reasons that correspond to those given with respect to Claim 1.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of Claim 40 be withdrawn.

Claims 41-43 depend from independent Claim 40 which is submitted to be in condition for allowance. When the recitations of Claims 41-43 are considered in combination with the recitations of Claim 40, Applicants submit that dependent Claims 41-43 are also patentable over Coons.

Claims 44-45 have been cancelled.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-5, 8-36 and 38-45 be withdrawn.

The rejection of Claims 6, 7 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Coons in view of Manduley (U.S. Patent No. 5,956,505) is respectfully traversed.

Coons is described above. Manduley describes a method for activating an optional feature in a data processing device that includes a microprocessor and memory. The method includes storing in the memory: a number of applications programs, at least one of which has at least one optional feature; application manager software for controlling access to the application programs; a communications software module, accessed by means of the application manager, for controlling data communication by the device; and a program activation software module, accessed by means of the application manager and including activation data that indicates whether each optional feature is activated or unactivated. The method also includes receiving a request to operate one of the optional features, determining by reference to the activation data

whether the feature is activated or unactivated, operating the feature if it is activated and otherwise preventing operation of the feature. The method further includes receiving a request to activate the feature (if unactivated) and updating the activation data to indicate that the feature has been activated.

Claims 6 and 7 depend from independent Claim 1. Claim 1 is recited hereinabove.

As discussed above, Coons does not describe or suggest the method recited in Claim 1. Manduley does not make up for the deficiencies of Coons. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Coons in view of Manduley.

When the recitations of Claims 6 and 7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 6 and 7 likewise are patentable over Coons in view of Manduley.

Claim 37 depends from independent Claim 36. Claim 36 is recited hereinabove.

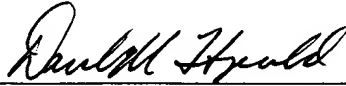
As discussed above, Coons does not describe or suggest the computer program recited in Claim 36. Manduley does not make up for the deficiencies of Coons. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 36 is patentable over Coons in view of Manduley.

When the recitations of Claim 37 are considered in combination with the recitations of Claim 36, Applicants submit that dependent Claim 36 is likewise patentable over Coons in view of Manduley.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 6, 7 and 37 under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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